

TMH:jlb 8/11/03 212072.doc
PATENT

Attorney Reference Number 4810-58741
Application Number 09/806,708

REMARKS

Claims 1, 7, 13 and 15-38 are pending. Claims 26-28 and 32-38 stand withdrawn from consideration as a non-elected invention under a final restriction requirement. By the present amendment, claims 7, 22, and 25-38 are canceled, without prejudice.

Applicants have considered each of the rejections raised, and offer the following amendments and remarks in response. The amendments are appropriate after final as they only delete the claims or adopt suggestions of the Examiner, and they place the application in better position for allowance or Appeal. A Notice of Appeal is filed herewith. Reconsideration of the rejections is respectfully requested.

Specification

The web address on page 7, lines 1-33, of the specification, which was objected to by the Examiner, has been deleted.

Rejections Under 35 U.S.C. § 112

The specification is objected to and the claims rejected under 35 U.S.C. § 112 on the basis, according to the Applicants' understanding, of alleged inadequate written description and enablement. The Examiner appears to agree that claims to SEQ ID NO: 15, and the use thereof for seed-specific expression, are adequately enabled and described, but asserts that claims drawn to sequences that hybridize under stringent conditions to SEQ ID NO: 15, or to broader sequences that exhibit a high degree of identity to SEQ ID NO: 15, are not enabled or described. While Applicants submit that the specification provides both sufficient enablement and adequate written description for the broader sequences, to expedite prosecution, the claims have been amended to recite SEQ ID NO: 15 alone and Applicants therefore request that these rejections be withdrawn. Applicants reserve the right to prosecute the broader claims in any future related application, and respectfully request that the Examiner not renew claim rejections under 35 U.S.C. § 112 in the above-referenced case.

Acknowledgement of Prior Filings

Applicants request that the Examiner please acknowledge certain documents previously filed in this matter, for which no acknowledgement has yet been received. Copies of the indicated Papers, accompanying transmittal letters, and Postcards showing the date of receipt at the Patent Office are

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PATENTAttorney Reference Number 4810-58741
Application Number 09/806,708

attached hereto as **Exhibits A-E** (as listed below). If the Examiner requires that duplicate copies of the documents originally submitted with the listed Information Disclosure Statements (IDSs), or the Sequence Listing submitted with the listed Supplemental Response, please call the undersigned immediately.

Exhibit	Paper(s) Filed	Date Mailed to PTO	Date Received at PTO*	# of Pages in Exhibit
A	IDS with 13 references	May 3, 2001	May 7, 2001	5
B	IDS with 3 references	May 31, 2001	June 4, 2001	4
C	IDS with 6 references	July 3, 2001	July 9, 2001	4
D	IDS with 16 references	August 3, 2001	August 7, 2001	5
E	Supplemental Response with replacement Sequence Listing	December 6, 2002	December 10, 2002	5

*(based on Postcard stamp)

Applicants respectfully request that in the next Office communication the Examiner indicate that he has received each of the listed IDSs by returning a copy of each Form 1449 with the references initialed, showing they were considered during prosecution. In addition, Applicants request that the Examiner acknowledge that the indicated Supplemental Response was received, that it has properly been made of record in the file, and that the Sequence Listing was replaced.

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PATENT

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Application Number 09/806,708

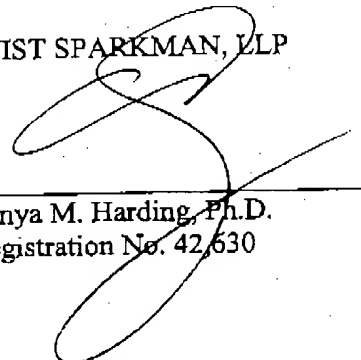
Conclusion

The Applicants submit that the pending claims are enabled and adequately described, and respectfully request that a timely Notice of Allowance be issued in this case. If for any reason the Examiner believes that a telephone conference would expedite allowance of the claims, please telephone the undersigned at (503) 226-7391.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By


Tanya M. Harding, Ph.D.
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TMH:jlb 5/3/01 4810-58741 48619

PATENT
Attorney Reference Number 4810-58741

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kunst and Clemens

Application No. 09/806,708

Filed: April 3, 2001

For: REGULATION OF EMBRYONIC
TRANSCRIPTION IN PLANTS

Examiner: Not yet assigned

Date: May 3, 2001

Art Unit: Not yet assigned

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on May 3, 2001, as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, WASHINGTON D.C. 20231.

Tanya M. Harding, Ph.D.
Attorney for Applicant

TRANSMITTAL LETTER

COPY

COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

Enclosed for filing in the application referenced above are the following:

- ☒ Information Disclosure Statement
Form 1449 and references cited thereon
- ☒ The Director is hereby authorized to charge any additional fees that may be required, or credit over-payment, to Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN CAMPBELL
LEIGH & WHINSTON, LLP

By

Tanya M. Harding, Ph.D.
Registration No. 42,630

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Portland, Oregon 97204
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cc: Docketing



TRANSMITTAL - Page 1 of 1

TMH:jlb 05/03/01 4810-58741 4

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kunst and Clemens

Application No. 09/806,708

Filed: April 3, 2001

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TRANSCRIPTION IN PLANTS

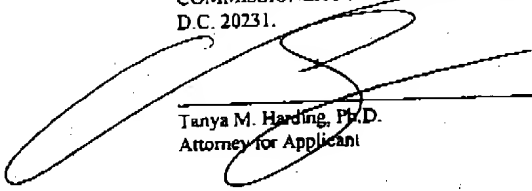
Examiner: Not yet assigned

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Tanya M. Harding, Ph.D.
Attorney for ApplicantINFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. § 1.97(b)(2)COMMISSIONER FOR PATENTS
Washington, DC 20231

Sir:

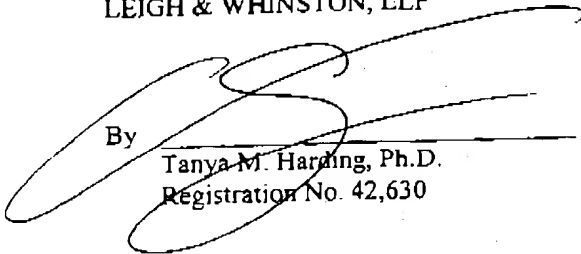
Listed on the accompanying form PTO-1449 and enclosed herewith are several English-language documents. Applicants respectfully request that these documents be listed as references cited on the issued patent.

Applicants filed this Information Disclosure Statement within three months of the date of entry of the national stage as set forth in § 1.491 in an international application. However, if the Patent Office determines that a fee is required for Applicants to file this Information Disclosure Statement, please see the attached transmittal sheet for Deposit Account authority.

Respectfully submitted,

KLARQUIST SPARKMAN CAMPBELL
LEIGH & WHINSTON, LLP

By


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Telephone: (503) 226-7391
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TMH:jlb 05/03/2001 4810-58741 48622

INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Docket: 4810-58741		App: 09/806,708	
				Applicant: Kunst and Clemens			
				Filed: April 3, 2001		Art Unit: Not yet assigned	
FOREIGN PATENT DOCUMENTS							
		Number	Date	Country	Class	Sub	
		WO 9515387	6/8/95	WIPO			
		WO 9613582	5/9/96	WIPO			
		WO 9846766	10/22/98	WIPO			
		WO 9854954	12/10/98	WIPO			
		WO 9903983	1/28/99	WIPO			
		WO 9954471	10/28/99	WIPO			
OTHER DOCUMENTS							
		Kunst <i>et al.</i> , "Fatty acid elongation in developing seeds of <i>Arabidopsis thaliana</i> ," <i>Plant Physiolog. Biochem.</i> 30(4):425-434, 1992					
		James <i>et al.</i> , "Directed Tagging of the <i>Arabidopsis</i> <i>FATTY ACID ELONGATION1</i> (<i>FAE1</i>) gene with the Maize Transposon <i>Activator</i> ," <i>Plant Cell</i> 7:309-319, March 1995					
		Venkateswari <i>et al.</i> , "Molecular Cloning and Characterization of <i>FATTY ACID ELONGATION1</i> (<i>BjFAE1</i>) gene of <i>Brassica juncea</i> ," <i>J. Plant Biochem. Biotech.</i> 8(1):53-55, January 1999					
		Millar <i>et al.</i> , "CUT1, an <i>Arabidopsis</i> gene required for cuticular wax biosynthesis and pollen fertility, encodes a very-long-chain fatty acid condensing enzyme," <i>Plant Cell</i> , 11(5):825-838, May 1999					
EXAMINER:				DATE			
*Examiner: Initial if considered, whether or not in conformance with MPEP 609; draw line through cite if not in conformance and not considered. Send copy.							

TMH:jlb 05/03/2001 4810-58741 48622

INFORMATION DISCLOSURE STATEMENT BY APPLICANT			Docket: 4810-58741	App: 09/806,708
			Applicant: Kunst and Clemens	
			Filed: April 3, 2001	Art Unit: Not yet assigned
			James <i>et al.</i> , EMBL Accession No. U29142, July 21, 1995	
			Roscoe <i>et al.</i> , EMBL Accession No. U50771, April 4, 1996	
			Clemens and Kunst, EMBL Accession No. AF009563, October 7, 1997	
EXAMINER:			DATE	
*Examiner: Initial if considered, whether or not in conformance with MPEP 609; draw line through cite if not in conformance and not considered. Send copy.				

CLIENT/MATTER NO. 4810-58741 ATTY/SEC TMH:jlb
INVENTOR(S): Kunst and Clemens
SERIAL NO. 09/006.708 FILING DATE 4.3.01
The following, due _____, mailed 5.3.01
by First Class Mail, was received in the U.S. PTO on the date stamped hereon:

<input type="checkbox"/> Amendment	<input type="checkbox"/> After Final Rejection	<input type="checkbox"/> Months Extension of Time
<input type="checkbox"/> Notice to File Msg. Parts - Date	<input type="checkbox"/> Letter to Official Draftsman	
<input type="checkbox"/> Comb. Decl./POA	<input type="checkbox"/> Notice of Allowability	
<input type="checkbox"/> Ver'd. Stmt. Claiming Sm. Entity Status	<input type="checkbox"/> Sht(s) Drawings <input type="checkbox"/> Formal	
<input type="checkbox"/> In connection with Issuance of a Patent:	<input checked="" type="checkbox"/> IDS <input checked="" type="checkbox"/> Form PTO-1449/Ref.	
<input type="checkbox"/> Supp. Declaration <input type="checkbox"/> Form PTOL-85b	<input type="checkbox"/> Petition	
<input type="checkbox"/> Issue & Advance Order fees	<input checked="" type="checkbox"/> Transmittal Ltr. <input checked="" type="checkbox"/> dupl. <input type="checkbox"/> tripl.	
<input type="checkbox"/> Surcharge - Late Filing Fee, Oath, or Declaration	<input type="checkbox"/> Small Entity	<input type="checkbox"/> All Others
<input type="checkbox"/> Assignment to:	PTO 1595	
Check No. _____ for \$ _____	<input checked="" type="checkbox"/> Deposit Acct. 02-4550 Authority	

CLIENT/MATTER NO. 4810-58741 ATTY/SEC TMH:jlb
INVENTOR(S): Kunst and Clemens
SERIAL NO. 09/006.708 FILING DATE 4.3.01
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Check No. _____ for \$ _____	<input checked="" type="checkbox"/> Deposit Acct. 02-4550 Authority	

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JG17 Rec'd PCT/PTO 07 MAY 2001

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kunst and Clemens
Application No. 09/806,708

Filed: April 3, 2001

For: REGULATION OF EMBRYONIC
TRANSCRIPTION IN PLANTS

Examiner: Not yet assigned

Date: May 31, 2001

Art Unit: Not yet assigned

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on May 31, 2001 as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

Tanya M. Harding, Ph.D.
Attorney for Applicant

INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. § 1.97(b)(2)

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COMMISSIONER FOR PATENTS
Washington, DC 20231

Sir:

Listed on the accompanying form PTO-1449 and enclosed herewith are several English-language documents. Applicants respectfully request that these documents be listed as references cited on the issued patent.

Applicants filed this Information Disclosure Statement within three months of the date of entry of the national stage as set forth in § 1.491 in an international application. However, if the Patent Office determines that a fee is required for Applicants to file this Information Disclosure Statement, please see the attached transmittal sheet for deposit account authorization.

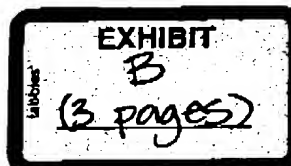
Respectfully submitted,

KLARQUIST SPARKMAN CAMPBELL
LEIGH & WHINSTON, LLP

By

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TMH:lb:th 05/31/2001 4810-58741 53391

INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Docket: 4810-58741		App: 09/806,708	
				Applicant: Kunst and Clemens			
				Filed: April 3, 2001		Art Unit: Not yet assigned	
U.S. PATENT DOCUMENTS							
Init.*		Number	Date	Name	Class	Sub	Filed
		5,792,922	Aug. 11, 1998	Maloney			
		5,623,067	Apr. 22, 1997	Vandekerckhove <i>et al.</i>			
FOREIGN PATENT DOCUMENTS							
		Number	Date	Country	Class	Sub	
		WO 98/45461	Oct. 15, 1998	PCT			
OTHER DOCUMENTS							
EXAMINER:				DATE			
*Examiner: Initial if considered, whether or not in conformance with MPEP 609; draw line through cite if not in conformance and not considered. Send copy.							

✓ CLIENT/MATTER NO. 4810-58741 ATTY/SEC TMH:JLB
 INVENTOR(S): Kunst & Clemens
 SERIAL NO. 09/806,708 FILING DATE 4-3-01
 The following, due _____, mailed 5-31-01
 by First Class Mail, was received in the U.S. PTO on the date stamped hereon:

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<input type="checkbox"/> Notice to File Msg. Parts - Date	<input type="checkbox"/> Letter to Official Draftsman	
<input type="checkbox"/> Comb. Decl./POA	<input type="checkbox"/> Notice of Allowability	
<input type="checkbox"/> Ver'd. Stmt. Claiming Sm. Entity Status	<input type="checkbox"/> Sht(s) Drawings <input type="checkbox"/> Formal	
<input type="checkbox"/> In connection with Issuance of a Patent:	<input checked="" type="checkbox"/> IDS <input checked="" type="checkbox"/> Form PTO-1449/Ref. (3)	
<input type="checkbox"/> Supp. Declaration <input type="checkbox"/> Form PTOL-85b	<input type="checkbox"/> Petition	
<input type="checkbox"/> Issue & Advance Order fees	<input checked="" type="checkbox"/> Transmittal Ltr. <input type="checkbox"/> dupl. <input type="checkbox"/> tripl.	
<input type="checkbox"/> Surcharge - Late Filing Fee, Oath, or Declaration	<input type="checkbox"/> Small Entity <input type="checkbox"/> All Others	
<input type="checkbox"/> Assignment to: _____	<input type="checkbox"/> PTO 1595	
<input type="checkbox"/> Check No. _____ for \$ _____	<input checked="" type="checkbox"/> Deposit Acct. 02-4550 Authority	

✓ 2nd Preliminary Amendment
 ✓ Marked UP version of Claims

CLIENT/MATTER NO. 4810-58741 ATTY/SEC TMH:JLB
 INVENTOR(S): Kunst & Clemens
 SERIAL NO. 09/806,708 FILING DATE 4-3-01
 The following, due _____, mailed 5-31-01
 by First Class Mail, was received in the U.S. PTO on the date stamped hereon:

<input type="checkbox"/> Amendment	<input type="checkbox"/> After Final Rejection	<input type="checkbox"/> Months Extension of Time
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✓ 2nd Preliminary Amendment
 ✓ Marked UP version of Claims

TMH:jlb 7/3/01 4810-58741 59618

PATENT
Attorney Reference Number 4810-58741

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kunst and Clemens

Art Unit: Not yet assigned

Application No. 09/806,708

Filed: April 3, 2001

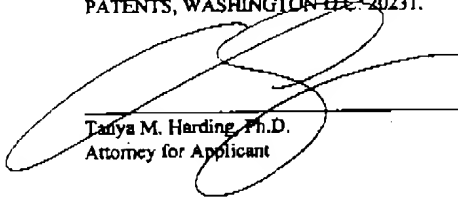
For: REGULATION OF EMBRYONIC
TRANSCRIPTION IN PLANTS

Examiner: Not yet assigned

Date: July 3, 2001

CERTIFICATE OF MAILING

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Tanya M. Harding, Ph.D.
Attorney for ApplicantTRANSMITTAL LETTER

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COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

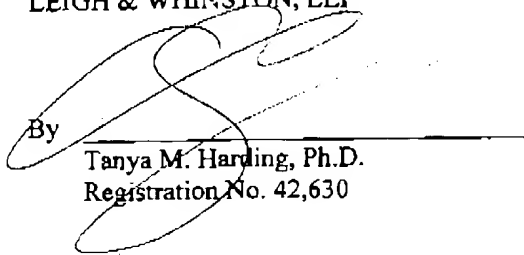
Enclosed for filing in the application referenced above are the following:

- ☒ Supplemental Information Disclosure Statement
- ☒ Form 1449 and (6) references cited thereon
- ☒ The Director is hereby authorized to charge any fees that may be required to Account No. 02-4550. A copy of this sheet is enclosed.
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Respectfully submitted,

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LEIGH & WHINSTON, LLP

By


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Registration No. 42,630

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cc: Docketing



TRANSMITTAL - Page 1 of 1

TMH:jlb 07/03/01 4810-58741

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kunst and Clemens
Application No. 09/806,708

Art Unit: Not yet assigned

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Tanya M. Harding, Ph.D.
Attorney for Applicant

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. § 1.97(b)(2)

COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

Sir:

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LEIGH & WHINSTON, LLP

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Telephone: (503) 226-7391
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TMH:jlb 07/03/01 4810-58741 59613

INFORMATION DISCLOSURE STATEMENT BY APPLICANT			Docket: 4810-58741	App: 09/806,708
			Applicant: Kunst and Clemens	
			Filed: April 3, 2001	Art Unit: Not yet assigned
OTHER DOCUMENTS				
			James <i>et al.</i> , "Directed Tagging of the Arabidopsis <i>FATTY ACID ELONGATION (FAE1)</i> Gene with the Maize Transposon Activator," <i>Plant Cell</i> 7:309-319, March 1995	
			Kunst <i>et al.</i> , "Fatty acid elongatio in developing seeds of <i>Arabidopsis thaliana</i> ," <i>Plant Physiol. Biochem.</i> 30(2):425-434, 1992	
			Millar <i>et al.</i> , " <i>CUT1</i> , an Arabidopsis Gene Required for Cuticular Wax Biosynthesis and Pollen Fertility, Encodes a Very-Long-Chain Fatty Acid Condensing Enzyme," <i>Plant Cell</i> 11:825-838, May 1999	
			Clemens and Kunst, Accession No. AF009563, July 24, 1997	
			James <i>et al.</i> , Accession No. U29142, July 4, 1995	
			Roscoe <i>et al.</i> , Accession No. U50771, April 6, 1996	
EXAMINER:			DATE	
*Examiner: Initial if considered, whether or not in conformance with MPEP 609; draw line through cite if not in conformance and not considered. Send copy.				

CLIENT/MATTER NO. 4810 - 58741 ATTY/SEC TMH: jlb
 INVENTOR(S): Kunst and Clemens
 SERIAL NO. 09/806,708 FILING DATE 4.3.01
 The following, due _____, mailed 7.3.01
 by First Class Mail, was received in the U.S. PTO on the date stamped hereon:

<input type="checkbox"/> Amendment	<input type="checkbox"/> After Final Rejection	<input type="checkbox"/> Months Extension of Time
<input type="checkbox"/> Notice to File Msg. Parts - Date _____	<input type="checkbox"/> Letter to Official Draftsman	
<input type="checkbox"/> Comb. Decl./POA	<input type="checkbox"/> Notice of Allowability	
<input type="checkbox"/> Verif'd. Stmt. Claiming Sm. Entity Status	<input type="checkbox"/> Sht(s) Drawings <input type="checkbox"/> Formal	
<input type="checkbox"/> In connection with Issuance of a Patent:	<input checked="" type="checkbox"/> IDS(SUPP) <input checked="" type="checkbox"/> Form PTO-1449/Ref. (6)	
<input type="checkbox"/> Supp. Declaration <input type="checkbox"/> Form PTOL-85b	<input type="checkbox"/> Petition	
<input type="checkbox"/> Issue & Advance Order fees	<input checked="" type="checkbox"/> Transmittal Ltr. <input checked="" type="checkbox"/> dupl. <input type="checkbox"/> tripl.	
<input type="checkbox"/> Surcharge - Late Filing Fee, Oath, or Declaration		<input type="checkbox"/> Small Entity <input type="checkbox"/> All Others
<input type="checkbox"/> Assignment to: _____		<input type="checkbox"/> PTO 1595
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<input type="checkbox"/> In connection with Issuance of a Patent:	<input checked="" type="checkbox"/> IDS(SUPP) <input checked="" type="checkbox"/> Form PTO-1449/Ref. (6)	
<input type="checkbox"/> Supp. Declaration <input type="checkbox"/> Form PTO-85b	<input type="checkbox"/> Petition	
<input type="checkbox"/> Issue & Advance Order fees	<input checked="" type="checkbox"/> Transmittal Ltr. <input checked="" type="checkbox"/> dupl. <input type="checkbox"/> tripl.	
<input type="checkbox"/> Surcharge - Late Filing Fee, Oath, or Declaration		<input type="checkbox"/> Small Entity <input type="checkbox"/> All Others
<input type="checkbox"/> Assignment to: _____		<input type="checkbox"/> PTO 1595
<input type="checkbox"/> Check No. _____ for \$ _____	<input checked="" type="checkbox"/> Deposit Acct. 02-4550 Authority	

526 Rec'd PCT/PTO 09 JUL 2001

TMH:clh 8/2/01 4810-58741 63951

PATENT
Attorney Reference Number 4810-58741

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kunst and Clemens

Art Unit:

Application No. 09/806,708

CERTIFICATE OF MAILING

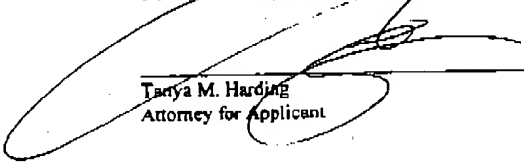
Filed: April 3, 2001

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on August 3, 2001, as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

For: REGULATION OF EMBRYONIC
TRANSCRIPTION IN PLANTS

Examiner:

Date: August 3, 2001


Tanya M. Harding
Attorney for ApplicantTRANSMITTAL LETTER

COPY

COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

Enclosed for filing in the application referenced above are the following:

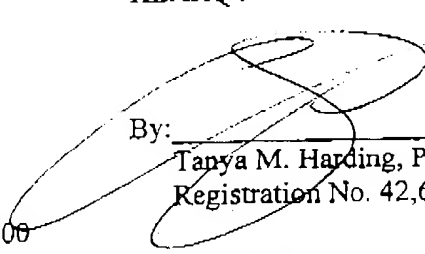
- ☒ Supplemental Information Disclosure Statement
- ☒ Form 1449 and references (16) cited thereon
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

The Director is hereby authorized to charge any additional fees that may be required, or credit over-payment, to Account No. 02-4550. A copy of this sheet is enclosed.

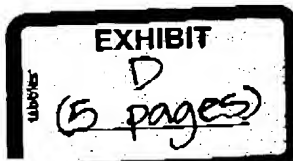
Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By:


Tanya M. Harding, Ph.D.
Registration No. 42,630

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446
cc: Client
Docketing



TMH:jlb 08/02/01 4810-58741 IDS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kunst and Clemens

Application No. 09/806,708

Filed: April 3, 2001

For: REGULATION OF EMBRYONIC
TRANSCRIPTION IN PLANTS

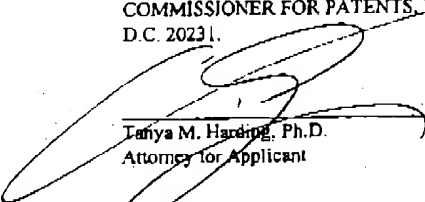
Examiner: Not yet assigned

Date: August 3, 2001

Art Unit: Not yet assigned

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on August 3, 2001 as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.


Tanya M. Harding, Ph.D.
Attorney for Applicant

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. § 1.97(b)(3)

COMMISSIONER FOR PATENTS
Washington, DC 20231

Sir:

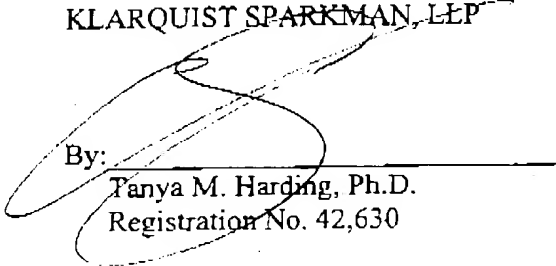
Listed on the accompanying form PTO-1449 and enclosed herewith are several English-language documents. Applicants respectfully request that these documents be listed as references cited on the issued patent.

Applicants filed this Information Disclosure Statement before the mailing of a first Office Action on the merits. However, if the Patent Office determines that a fee is required for Applicants to file this Information Disclosure Statement, please see the attached transmittal sheet for deposit account authorization.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By:


Tanya M. Harding, Ph.D.
Registration No. 42,630

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

FMH:th **08/02/01 4810-58741 53802

INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Docket: 4810-58741	App: 09/806,708
		Applicant: Kunst and Clemens	
		Filed: April 3, 2001	Art Unit:
OTHER DOCUMENTS			
		Benfey <i>et al.</i> , "Regulated genes in transgenic plants," <i>Science</i> 244:174-181, 1989	
		Bevan <i>et al.</i> , "Tissue- and cell-specific activity of a phenylalanine ammonia-lyase promoter in transgenic plants," <i>EMBO J.</i> 8:1899-1906, 1989	
		Katavic <i>et al.</i> , "In planta transformation of <i>Arabidopsis thaliana</i> ," <i>Mol. Gen. Genet.</i> 245:363-370, 1994	
		Koncz <i>et al.</i> , "The promoter of T _L -DNA gene 5 controls the tissue-specific expression of chimaeric genes carried by a novel type of <i>Agrobacterium</i> binary vector," <i>Mol. Gen. Genet.</i> 204:383-396, 1986	
		Lee <i>et al.</i> , "Manipulation of plant gene expression using antisense RNA," In: <i>Plant Biochemistry/Molecular Laboratory Manual</i> pp. 423-439, Dashek, WV, ed., CRC Press, Inc. Boca Raton, 1996	
		Murphy <i>et al.</i> , "Immunocytochemical and biochemical study of the biosynthesis and mobilisation of the major seed storage proteins of <i>Brassica napus</i> ," <i>Plant. Physiol. Biochem.</i> 27:647-657, 1989	
		Stalberg <i>et al.</i> , "Disruption of an overlapping E-box-ABRE motif abolished high transcription of the napA storage-protein promoter in transgenic <i>Brassica napus</i> seeds," <i>Plant</i> 199:515-519, 1996	
		Voelker <i>et al.</i> , "Genetic engineering of a quantitative trait: metabolic and genetic parameters influencing the accumulation of laurate in rapeseed," <i>Plant J.</i> 9:229-241, 1996	
		Rowley <i>et al.</i> , "The upstream domain of soybean olesin genes contains regulatory elements similar to those of legume storage proteins," <i>Biochim. Biophys. Acta</i> 1345:1-4, 1997	
EXAMINER:		DATE	
*Examiner: Initial if considered, whether or not in conformance with MPEP 609; draw line through cite if not in conformance and not considered. Send copy.			

TMH:th 08/02/01 4810-58741 53802

INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Docket: 4810-58741	App: 09/806,708
		Applicant: Kunst and Clemens	
		Filed: April 3, 2001	Art Unit:
OTHER DOCUMENTS			
		Morton <i>et al.</i> , "Regulation of Seed Storage Protein Gene Expression," Kigel and Gallili, eds., pp. 103-138, Marcel Dekker, New York, 1994	
		Kawagoe <i>et al.</i> , "Four distinct nuclear proteins recognize <i>in vitro</i> the proximal promoter of the bean seed storage protein β -phaseolin gene conferring spatial and temporal control," <i>Plant J.</i> 2:927-936, 1992	
		Shen <i>et al.</i> , "Functional Dissection of an Absciscic Acid (ABA) - Inducible Gene Reveals Two Independent ABA - Responsive Complexes Each Containing a G-Box and a Novel <i>cis</i> -Acting Element," <i>Plant Cell</i> 7:295-307, 1995	
		Dickinson <i>et al.</i> , "RY repeats are conserved in the 5'-flanking regions of legume seed-protein genes," <i>Nucleic Acid Res.</i> , 16:371, 1988	
		Lelievre <i>et al.</i> , "5'-CATGCAT-3' Elements Modulate the Expression of Glycinin Genes" <i>Plant Physiol.</i> 98:387-391, 1992	
		Chen <i>et al.</i> , "A DNA sequence element that confers seed-specific enhancement to a constitutive promoter," <i>EMBO J.</i> 7:297-302, 1988	
		Shen <i>et al.</i> , "Modular Nature of Absciscic Acid (ABA) Response Complexes: Composite Promoter Units That Are Necessary and Sufficient for ABA Induction of Gene Expression in Barley," <i>Plant Cell</i> 8:1107-1119, 1996	
EXAMINER:		DATE	
*Examiner: Initial if considered, whether or not in conformance with MPEP 609; draw line through cite if not in conformance and not considered. Send copy.			

CLIENT/MATTER NO. 4810-58741 ATTY/SEC IMH-jlb
 INVENTOR(S): Kunst & Clemens
 APP. NO. 09/806,708 FILING DATE 4-3-01
 The following, due _____, mailed 8-3-01
 by First Class Mail, was received in the U.S. PTO on the date stamped hereon:

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<input type="checkbox"/> Extension of Time/Extension Fee for _____ Months	
<input type="checkbox"/> Notice to File Missing Parts - Date _____	<input type="checkbox"/> Ltr to Draftsperson
<input type="checkbox"/> Notice to File Corrected App. Papers - Date _____	<input type="checkbox"/> Notice-Allowability
<input type="checkbox"/> Comb. Dec./POA <input type="checkbox"/> Sht(s) Drawings _____	<input type="checkbox"/> Sht(s) Drawings
<input type="checkbox"/> Issue Fee Transmittal (Form PTOL-85b)	<input type="checkbox"/> Sequence Listing _____ pages
<input type="checkbox"/> Supp. Dec. <input type="checkbox"/> Issue/Adv. Order fees	<input type="checkbox"/> Stmt in Comp. _____ Disk
<input checked="" type="checkbox"/> IDS	<input checked="" type="checkbox"/> Form PTO-1449/Ref.
<input type="checkbox"/> Petition	
Assignment to: _____	
Recordal Sheet	
<input checked="" type="checkbox"/> Transmittal Ltr. + <input checked="" type="checkbox"/> 1 _____ 2 copy(ies)	<input type="checkbox"/> Request for Corrected Filing Receipt
<input type="checkbox"/> Check No. _____ for \$ _____	<input checked="" type="checkbox"/> Deposit Acct. 02-4550 Authority

CLIENT/MATTER NO. 4810-58741 ATTY/SEC IMH-jlb
 INVENTOR(S): Kunst & Clemens
 APP. NO. 09/806,708 FILING DATE 4-3-01
 The following, due _____, mailed 8-3-01
 by First Class Mail, was received in the U.S. PTO on the date stamped hereon:

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<input type="checkbox"/> Check No. _____ for \$ _____	<input checked="" type="checkbox"/> Deposit Acct. 02-4550 Authority

RJP/TMH/DJZ:cms:kam 12/06/02 4810-58741 154310

PATENT
Attorney Reference Number 4810-58741

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kunst and Clemens

Art Unit: 1638

Application No. 09/806,708

Filed: April 3, 2001

For: REGULATION OF EMBRYONIC
TRANSCRIPTION IN PLANTS

Examiner: Stuart Baum

Date: December 6, 2002

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on December 6, 2002 as First Class Mail in an envelope addressed to: U.S. PATENT AND TRADEMARK OFFICE, BOX SEQUENCE, P.O. BOX 2327, ARLINGTON, VA 22202.

Richard J. Polley
Attorney for Applicant

TRANSMITTAL LETTER

U.S. PATENT AND TRADEMARK OFFICE
BOX SEQUENCE
P.O. BOX 2327
ARLINGTON, VA 22202

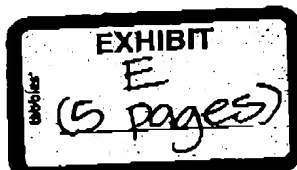
COPY

Enclosed are a Supplemental Amendment and a Statement in Compliance with 37 C.F.R. § 1.821(f) for the above-referenced application. The fee has been calculated as shown below.

CLAIMS AS AMENDED					
For	No. after amendment	No. paid for previously	Percent Extra	Rate	Fee
Total Claims	27	27*	= 0	\$18.00	\$ 00.00
Indep. Claims	6	6**	= 0	\$84.00	\$ 00.00
Mult. Dep. Claims Fee (if not previously paid)				\$280.00	
One-month Extension of Time				\$110.00	
Two-month Extension of Time				\$400.00	
Three-month Extension of Time				\$920.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$ 00.00

* greater of twenty or number for which fee has been paid.
** greater of three or number for which fee has been paid.

- ☒ No fee should be required for filing the accompanying Supplemental Amendment and Statement in Compliance with 37 C.F.R. § 1.821(f).
- ☒ For an amendment mailed to the Patent and Trademark Office on November 19, 2002, a



RJP/TMH/DJZ:cms:kam 12/06/02 4810-58741 154310

PATENT
Attorney Reference Number 4810-58741

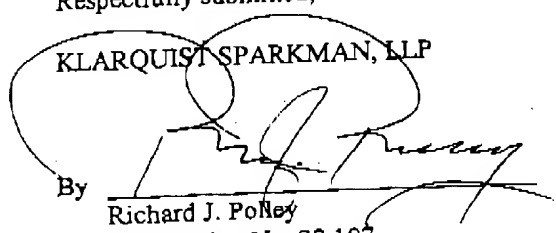
charge in the amount of \$389.00 was authorized for expenses associated with the filing of the amendment. It was subsequently noted that \$389.00 was not the correct amount because it was calculated at the small entity rate. It is believed that the correct amount is \$778.00. Presumably the correct amount (\$778.00) was charged to Deposit Account No. 02-4550 and no additional fee is due. But if less than the entire amount was charged, please charge the balance required in connection with filing the November 19, 2002 amendment and extension of time to Deposit Account No. 02-4550. A copy of this sheet is enclosed.

- ☒ Please charge any additional fees that may be required in connection with filing this amendment and any extension of time, or credit any overpayment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By


Richard J. Pooley
Registration No. 28,107

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

cc: Client
Accounting
Docketing

RJP/TMH/DJZ:chikam 12/06/02 12:24
PATENT

Attorney Reference Number 4810-58741
Application Number 09/806,708

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kunst and Clemens

Art Unit: 1638

Application No. 09/806,708

Filed: April 3, 2001

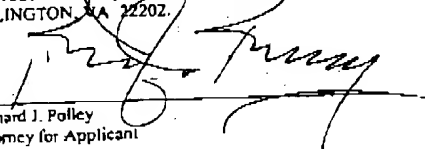
For: REGULATION OF EMBRYONIC
TRANSCRIPTION IN PLANTS

Examiner: Stuart Baum

Date: December 6, 2002

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents
referred to as being attached or enclosed herewith are
being deposited with the United States Postal Service
on December 6, 2002 as First Class Mail in an envelope
addressed to: U.S. PATENT AND TRADEMARK
OFFICE, BOX SEQUENCE, P.O. BOX 2327,
ARLINGTON, VA 22202.


Richard J. Polley
Attorney for Applicant

SUPPLEMENTAL AMENDMENT

U.S. PATENT AND TRADEMARK OFFICE
BOX SEQUENCE
P.O. BOX 2327
ARLINGTON, VA 22202

This amendment is filed to supplement Applicant's amendment and response dated November 19, 2002, which was filed in response to the Office action dated June 19, 2002 (Paper No. 11).

Please amend as follows.

In the Sequence Listing:

Please replace the entire sequence listing with the replacement sequence listing provided herein.

REMARKS

By this supplemental amendment, the entire sequence listing is replaced with the replacement sequence listing provided herein. Pursuant to 37 C.F.R. § 1.825, Applicants provide

RJP/TMH/DJZ:ch:kam 12/06/02 12:324
PATENT

Attorney Reference Number 4810-58741
Application Number 09/806,708

replacement pages for the sequence listing, a computer readable copy of the amended sequence listing, and a Statement in Compliance.

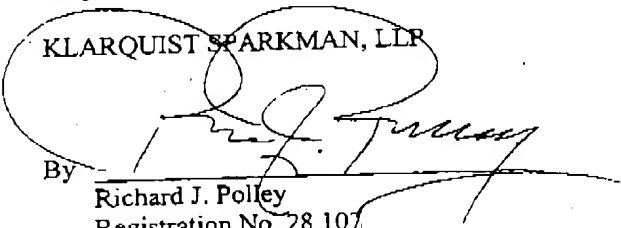
By this amendment, a change is made to SEQ ID NO: 16, which previously included 900 nucleotides of the *Arabidopsis thaliana* FAE1 transcription regulatory sequence. By the present amendment, SEQ ID NO: 16 is amended to include the entire 934 nucleotide sequence of the *Arabidopsis thaliana* FAE1 transcription regulatory sequence shown in Figure 1. Support for this amendment can be found in Figure 1 of the specification as originally filed. Specifically, Figure 1 as originally filed includes the entire 934 nucleotide sequence of the *Arabidopsis thaliana* FAE1 transcription regulatory sequence. Hence, no new matter is added by this amendment.

Applicants respectfully submit that the claims are in condition for allowance, and action to that effect is requested. If for any reason the Examiner believes that a telephone conference would expedite allowance of the claims, please telephone Applicants' representative at the number below.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By


Richard J. Polley
Registration No. 28,107

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

CLIENT/MATTER NO. 4810-5874/TMH ATTY/SEC TMH/RJP:CMSINVENTOR(S): Kunst, et al.APP. NO. 09/806,708 FILING DATE 4/3/01The following, due 11/19/02, mailed 12-6-02

by First Class Mail, was received in the U.S. PTO on the date stamped hereon:

<input checked="" type="checkbox"/> Amendment		___ Marked Up Claims/Spec.		___ After Final Rejection	
___ Extension of Time/Extension Fee for ___ Months					
___ Notice to File Missing Parts - Date			___ Ltr to Draftsperson		
___ Notice to File Corrected App. Papers - Date			___ Notice-Allowability		
___ Comb. Dec./POA		___ Sht(s) Drawings		___ Late Fee	
___ Issue Fee Transmittal (Form PTOL-85b)		<input checked="" type="checkbox"/> Sequence Listing		<u>12</u> pages	
___ Supp. Dec.		___ Issue/Adv. Order fees		<input checked="" type="checkbox"/> Stmt in Comp.	
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<input checked="" type="checkbox"/> Transmittal Ltr. + <u>1</u> <input checked="" type="checkbox"/> 2 copy(ies)			___ Request for Corrected Filing Receipt		
___ Check No. _____ for \$ _____			<input checked="" type="checkbox"/> Deposit Acct. 02-4550 Authority		

CLIENT/MATTER NO. 4810-5874/TMH ATTY/SEC TMH/RJP:CMS

INVENTOR(S): Kunst, et al.

APP. NO. 09/806,708 FILING DATE 4/3/01

The following, due 11/19/02, mailed 12-6-02

by First Class Mail, was received in the U.S. PTO on the date stamped hereon:

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___ Extension of Time/Extension Fee for ___ Months					
___ Notice to File Missing Parts - Date			___ Ltr to Draftsperson		
___ Notice to File Corrected App. Papers - Date			___ Notice-Allowability		
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___ Assignment to:			___ Recordal Sheet		
<input checked="" type="checkbox"/> Transmittal Ltr. + <u>1</u> <input checked="" type="checkbox"/> 2 copy(ies)			___ Request for Corrected Filing Receipt		
___ Check No. _____ for \$ _____			<input checked="" type="checkbox"/> Deposit Acct. 02-4550 Authority		

DEC 10 2002

CLIENT/MATTER NO. 4810-58741 ATTY/SEC TMH:dv
 INVENTOR(S): Kunst + Clemens
 APP. NO. 09/806,708 FILING DATE 4-3-01
 The following, due 8-11-03, mailed 8-11-03
 by First Class Mail, was received in the U.S. PTO on the date stamped hereon:

<input checked="" type="checkbox"/> Amendment	<input type="checkbox"/> Marked Up Claims/Spec.	<input checked="" type="checkbox"/> After Final Rejection
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Notice to File Missing Parts - Date _____		Ltr to Draftsperson _____
Notice to File Corrected App. Papers - Date _____		Notice-Allowability _____
Comb. Dec./POA _____	Sht(s) Drawings _____	Late Fee _____
Issue Fee Transmittal (Form PTOL-85b) _____		Sequence Listing _____ pages
Supp. Dec. _____	Issue/Adv. Order fees _____	Stmnt in Comp. _____ Disk _____
IDS _____	Form PTO-1449/Ref. _____	Petition _____
Assignment to: _____		Recordal Sheet _____
<input checked="" type="checkbox"/> Transmittal Ltr. + <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 copy(ies)		<input type="checkbox"/> Request for Corrected Filing Receipt
<input checked="" type="checkbox"/> Check No. _____ for \$ <u>1,250</u>		<input checked="" type="checkbox"/> Deposit Acct. 02-4550 Authority
<input checked="" type="checkbox"/> Notice of Appeal; Exhibits A-E		

CLIENT/MATTER NO. 4810-58741 ATTY/SEC TMH:dv
 INVENTOR(S): Kunst + Clemens
 APP. NO. 09/806,708 FILING DATE 4-3-01
 The following, due 8-11-03, mailed 8-11-03
 by First Class Mail, was received in the U.S. PTO on the date stamped hereon:

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<input checked="" type="checkbox"/> Extension of Time/Extension Fee for <u>3</u> Months		
Notice to File Missing Parts - Date _____		Ltr to Draftsperson _____
Notice to File Corrected App. Papers - Date _____		Notice-Allowability _____
Comb. Dec./POA _____	Sht(s) Drawings _____	Late Fee _____
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<input checked="" type="checkbox"/> Notice of Appeal; Exhibits A-E		

Kunst
821

AUG 14 2003
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